IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 23401 of 2007(J)

PETITIONER:

P.LALITHA DEVI,
D/O.PADMAVATHY PILLAI, ' DHANYA ',
MYNAGAPPALLY, FROM MARARITHOTTATHU BUNGALOW,
KARUNAGAPPALLY.

BY ADV. SRI.V.BHASKARAN PILLAI
SMT.S.LEELA
SRI.B.VINOD
SMT.V.JISHA RANI

RESPONDENTS:

SPECIAL THASILDAR,
LAND ACQUISITION NO.2
RAILWAYS, KOLLAM.

BY GOVT. PLEADER SRI.L.G.SURESH BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P.(C) No.23401 OF 2007

Dated this the 24th September, 2007.

J U D G M E N T

Petitioner is the owner of 70 cents of land comprised in Survey No.4807/25 of Kallelibhagom Village in Karunagappally Taluk. An extent of 6.75 cents of land was acquired for a public purpose. Petitioner was awarded compensation. Subsequently, the petitioner filed an application for referring the matter to the Sub Court, and the same was dismissed on the ground that it was filed beyond the period of limitation. A portion of adjacent property was also acquired for the same purpose. Owner of that property claimed enhancement, the matter was referred to the Sub Court, and additional compensation was granted. So, the petitioner claimed similar benefit under Section 28A of the Land Acquisition Act. He was awarded additional compensation also, but no interest was awarded.

2. The grievance of the petitioner is that though land value was awarded, interest on solatium and enhanced land value was not granted.

3. The learned Government Pleader, on instructions, submits that the petitioner was given enhanced land value. But the Land Acquisition Officer has not stated whether interest on solatium on enhanced land value were also awarded. It is trite law that when enhanced compensation is awarded under Section 28A of the Land Acquisition Act, the claimant is entitled to interest on solatium on enhanced land value. If the Land Acquisition Officer has not awarded any interest on solatium on enhanced land value, that has also to be paid.

In the result, this writ petition is disposed of directing the Land Acquisition Officer to consider the matter again, and if no interest on solatium and enhanced land value was not paid, the same shall be paid, within three months from the date of receipt of a copy of this judgment.

K.PADMANABHAN NAIR,
JUDGE

nj.